

for judges. Because of their wisdom, a judge acting in good faith who makes an unpopular call—protecting the free speech of political dissenters, for example—cannot be removed from office. The president, members of Congress and the public in general can demand his resignation until they are blue in the face, but a judge cannot be personally punished for taking an unpopular position. He can be removed only by impeachment.

An election-year assault on the judiciary is already in full swing. There will be the expected claims that one side will pack the courts with turn-em-loose liberals and the other will nominate only right-to-life stalwarts. Fortunately for the country, judicial officers are sufficiently insulated from the political process that they are able to do the right thing even when the majority objects. Their mistakes can be reversed. Their independence from political pressure must be preserved.●

#### RESTRICTION OF FREEDOM OF EXPRESSION IN LEBANON

Mr. D'AMATO. Mr. President, I rise today to address some of the human rights violations that the Lebanese government is guilty of committing. In testimony to the Senate Foreign Relations Committee, a representative of the Independent Communications Network (ICN) explains the repeated limitations that the Lebanese Government places on the freedoms of speech and press. While I disagree with ICN's recommendation concerning the lifting of the State Department's travel ban to the country, I believe that ICN raises some valid points.

ICN's testimony details some of the measures taken by the government to repress any political opposition. They are unwilling to allow any form of free and open political debate, and they are vigilant about ensuring that radio and TV airwaves are strictly limited and under their control. The example of the hardships that ICN has had to endure show the oppressive policies of the Lebanese government.

As a country that firmly believes in the freedoms of speech and press, we can not sit idly by and tolerate these gross injustices. We must do what is possible to restore a sense of freedom to the country. It is in this spirit that I ask that ICN's testimony to the Senate Foreign Relations Committee be entered into the CONGRESSIONAL RECORD in its entirety. The testimony follows:

TESTIMONY SUBMITTED FOR THE RECORD BY  
THE INDEPENDENT COMMUNICATIONS NETWORK,  
FEBRUARY 27, 1996

Mr. Chairman. Thank you for this opportunity to testify to this distinguished committee. The Independent Communications Network [ICN] is an independent television broadcaster in Beirut committed to an independent Lebanon.

We are philosophically as well as professionally committed to freedom of speech and freedom of the press, two fundamental rights which we believe are threatened in our country.

We know you have no jurisdiction in Lebanon, but what you say and do here in Washington and in this respected and influential committee has an impact in Beirut and beyond.

The immediate issue before you today is United States ban on travel to Lebanon. We understand the Department of State will announce its decision tomorrow. Such decisions are not and cannot be made in a vacuum. It is with that in mind that we urge you to replace the lifting the travel ban with a strong advisory that not only warns travelers but also makes it clear to the Lebanese government that the United States government expects it to make a concerted effort to improve its efforts to assure the personal security of visitors to Lebanon as well as to secure human rights and freedom of speech for all Lebanese.

Lebanon is a unique country in the Middle East, and it has historically chosen a unique mission: spreading the liberty and freedom of speech in our part of the world. This mission, which we share with America, is threatened by a government which seems intent on turning Lebanon into a police state.

Before 1990, the Muslims in Lebanon were demanding a fair share of power. Lebanon has been governed since 1943 by a National Pact dividing power between Christians and Muslims on a six-to-five basis in favor of Christians. In 1990, Lebanese parliamentarians met in the Saudi summer resort town of Taif, and under American, Saudi and Syrian auspices developed a "peace plan" that shifted the imbalance to the favor of the Muslims this time.

This situation has led to an unbalanced government. General elections were boycotted by most Lebanese, leading to a parliament representing no more than 13 percent of the country. We are sliding more and more towards dictatorship and a "savage ownership" of the country and the media by the multi-billionaire who is currently prime minister, Sheikh Rafiq Hariri.

Today the fundamentalists are gaining influence in our country, taking advantage of a collapsing economy and the government's efforts to gag the media.

The government is seeking to stifle dissent by limiting the number of radio and television stations permitted to operate in Lebanon. Those that remain are becoming little more than political booty for the prime minister and his friends and a club to silence the opposition. The government already has approved legislation permitting only six television and 12 radio stations for the entire country.

Of those six permitted television stations, one belongs to the Speaker of the Parliament, Nabih Berri; another to the Minister of the Interior, Michel Murr and a third to Prime Minister Hariri.

ICN, as its name implies, is an independent voice not beholden to the government or any political party. It is no coincidence that it is not among the six stations sanctioned by Mr. Hariri and his government.

The government has ignored the petition of more than 40 members of Parliament asking to review and restudy this unjust law. It also has ignored demonstrations in the streets of Beirut protesting the law and more are scheduled later this week.

Mr. Chairman, we wish to share with you an example of the current state of freedom and democracy and respect for human rights in a country that is slaughtering freedom.

Earlier this month, ICN was broadcasting live a roundtable discussion with several parliamentary deputies from the opposition who were critical of the government's attempt to parcel out television channels to its supporters. State security forces sealed off the ICN building in Beirut, and the host of the show and some participants were threatened by plainclothes security men about what they were doing and saying.

The State Department Report on Human Rights, the Middle East Watch report on

human rights and other groups have been critical of the policies of the Lebanese government regarding human rights and freedom of speech.

In 1993 the government banned ICN for nine months until a resolution passed by the United States Congress urged that it be allowed to reopen. But the government did not cease its efforts to silence ICN, even after the courts found ICN innocent of the trumped up charges made by the government. The Hariri government continues attempting to promulgate what can only be called unconscionable efforts to silence all opposition and criticism.

This unbearable political and economic situation has led the Lebanese Workers Union to call for a national strike and demonstrations on February 29. It is no coincidence that threat came from Interior Minister Murr, the owner of one of the six sanctioned television puppet stations.

It is important to note that the basis of the Lebanese government's demand that the United States lift the travel ban is its repeated claim that it is in full control of national security. It is also asking the United States and the United Nations to force Israel to withdraw from South Lebanon; President Elias Hraoui contends that the Lebanese Army is ready to deploy and maintain security there.

If the government is as strong as it claims, how can it turn around and say it is banning the constitutional right of demonstration to the workers because security is still fragile and that such demonstrations could jeopardize the national security.

They can't have it both ways.

We urge the Congress to see for itself by dispatching a fact finding mission to Lebanon to look into what the government is doing to protect human rights and freedom of speech.

The first stop for that delegation should be the U.S. Embassy, where you and your colleagues can ask America's new ambassador, Mr. Richard Jones, why, if the government has the security control it contends, he had to secretly land in Beirut and clandestinely head to the Embassy earlier this month to take up his new post. And ask why it is American officials can only use the "helicopter bridge" into Beirut, not their automobiles.

In conclusion, Mr. Chairman, we support replacing the travel ban with an advisory, but its continuation should be linked not only to the government's ability to protect public safety and the security of American visitors but also to the government respect for the fundamental rights of its citizens.

Mr. Chairman, we appreciate this opportunity to testify before you and this distinguished committee. Thank you.●

#### TAIWAN RELATIONS ACT

Mrs. FEINSTEIN. Mr. President, this morning, the distinguished Senator from Alaska, Senator MURKOWSKI, was on the floor speaking about a provision in the State Department Authorization conference report that was voted out last night.

The provision was section 1601, which declares that the provisions of the Taiwan Relations Act supersede provisions of the United States-China Joint Communiqué of August 17, 1992.

His basic point was that the provision was written not to be a wholesale repudiation of the 1982 Joint Communiqué, but rather to say that where the two conflict, specifically with respect

to arms sales to Taiwan, the Taiwan Relations Act, as the law of the land, must override the communique. He referred to an April 22, 1994 letter he received from Secretary Christopher saying that the Administration agrees that the Taiwan Relations Act takes legal precedence over the communique.

Indeed, it is true that the Taiwan Relations Act takes legal precedence over the 1982 Joint Communique. One is the law of the land, and the other is a diplomatic agreement not ratified by Congress.

But that is precisely what makes this provision superfluous. If the intent is to say that the law of the land takes legal precedence over other documents, it is absolutely unnecessary. If we add this language to the Taiwan Relations Act, we may as well add it to every other law we pass: "The provisions of this act supersede the speech made by the President on a similar topic on such-and-such a date."

The Senator from Alaska says the meaning of the word "supersede" is that the Taiwan Relations Act overrides the Communique only if their provisions conflict. He cites the Oxford English Dictionary's definition of "supersede." But, according to Webster's Third New International Dictionary, the word "supersede" also means "to make obsolete," "to make void," "to annul," "to make superfluous or unnecessary," and "to take the place of and outmode by superiority."

Therefore, regardless of the provision's intent, it has the appearance of Congress issuing a wholesale repudiation of the 1982 Joint Communique.

This Joint Communique includes not just a paragraph on arms sales, but a reaffirmation of the One-China policy and the principles of sovereignty and territorial integrity as espoused in the two previous Joint Communiques of 1972 and 1979. By saying we supersede the 1982 Joint Communique, we give the impression that we might be repudiating it outright. To do this would shake United States-China relations to their very core. The fundamental basis of the relationship would be called into question.

Under any circumstances, this would be a dangerous course of action, but it is especially so at this extremely sensitive time in relations between the United States, China, and Taiwan.

Congress needs to be exceedingly careful not to take actions that will have farther-reaching effects than we intend. We should not underestimate how seriously this provision—which may seem harmless to us—would be viewed not just in Beijing, but also in Taipei.

It seems particularly foolhardy to take such a risk over an unnecessary provision, which essentially says nothing more than that the law of the land is the law of the land, which of course it is.●

#### SOCIAL SECURITY EARNINGS TEST

● Mr. SMITH. Mr. President, last night, the Senate passed the "Contract With America Advancement Act." I rise to speak to one provision of that legislation, which I believe is a significant achievement for senior citizens. That is the "Senior Citizens' Right to Work Act of 1996." This legislation raises the Social Security earnings limit to \$30,000 by the year 2002, more than double what it would be under current law.

Every year, the earnings limitation test takes \$1 of every \$3 that Social Security beneficiaries 65 to 69 years old earn above \$11,280. I hear from hundreds of senior citizens every year complaining that this test is unfair. And they are correct. In fact, the earnings test affects an estimated 1.4 million beneficiaries each year.

More importantly, Mr. President, the earnings test flies right smack in the fact of the most basic principles we teach our kids in grade school economics. Specifically: no work, no pay. Can you imagine trying to explain a system that pays people not to work? Well, that is what our Social Security system does with the earnings test.

You might argue that our welfare system has similar disincentives, and you would be absolutely right. The Republican Congress is trying to fix that. If only we could overcome the little obstacle of President Clinton's veto pen, we would be well on our way to real welfare reform.

But, the earnings test takes this perverse concept one step further. And this is where we really get into the fairness issue. It says that if you are wealthy and you get your income through interest or dividends, you get full benefits. But, if you are poor and need to work to supplement your income, you get penalized. Seniors have been waiting a long time for this reform. It was in the Contract With America, and it is a part of the Republican Party Platform. I am pleased that we are about to make good on our promise to America's seniors.●

#### TRIBUTE TO JUDGE KING OF FLORIDA

● Mr. GRAHAM. The State of Florida has produced some of the finest legal minds in America's judicial system. The personification of that standard of excellence is U.S. District Judge James Lawrence King of Miami.

As a native of the Miami community, I am honored to be part of the effort to name the Federal justice building in Miami, FL, for Judge King.

Judge King's distinguished tenure on the bench has spanned four decades, during which our judicial system has faced some of the most challenging disputes in the history of our Nation.

In 1964 Mr. King was appointed circuit judge for the 11th Judicial Circuit of Florida. In 1970, President Nixon appointed Judge King as a U.S. district

judge for the Southern District of Florida. In 1984, he became chief judge of the U.S. district court for the Southern District of Florida. During his outstanding career, Judge King has had more than 200 published opinions.

In addition to his contributions to our judicial system from the bench, Judge King has been an effective advocate for improved judicial administration. Judge King served as 1 of 23 members on the Judicial Conference of the United States. He was also a member of the Judicial Council of the 11th Circuit Administrative Conference, the Judicial Ethics Committee and the Long Range Planning Committee for the Federal Judiciary, serving all with distinction.

While fulfilling his duties, Judge King foresaw the need for new courtroom and administrative facilities to accommodate the growing needs of the district and the law enforcement community. He began contacting community leaders to share his vision. After years of tireless effort, Judge King's vision became a reality.

The Federal justice building was built by the city of Miami with city bonds backed by a long-term lease from the General Services Administration. Today, this state-of-the-art facility houses the U.S. attorneys' office and will be home to six district judges, an 11th circuit judge and complete trial and appellate courts.

While many community leaders worked to complete the Federal justice building, Judge King was the guiding force behind its creation. This building should be named as a tribute to Judge King for his vision, leadership and effective stewardship of justice.●

#### CONGRATULATING KIEREN P. KNAPP, D.O.

● Mr. SANTORUM. Mr. President, I rise today so that I might call attention to a special honor bestowed upon Dr. Kieren P. Knapp of Seven Valleys, PA.

Mr. President, I would like to congratulate Dr. Knapp on his upcoming installation as the 81st president of the Pennsylvania Osteopathic Medical Association. Dr. Knapp will be installed as president at the 88th Annual POMA Clinical Assembly in Philadelphia on April 26, 1996.

I would like to call attention to this distinction by asking that a proclamation honoring Dr. Knapp be printed in the RECORD.

The proclamation follows:

#### PROCLAMATION

To honor Kieren P. Knapp, D.O., on his installation as the 81st President of the Pennsylvania Osteopathic Medical Association.

Whereas, Kieren P. Knapp has been Vice-President and delegate to the Pennsylvania Osteopathic Medical Association, and is a member of the House of Delegates to the American Osteopathic Association;

Whereas, Kieren P. Knapp has served on the Board of Trustees of the Pennsylvania Osteopathic General Practitioners Society;